

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

INX, INC., a Texas corporation,

Plaintiff,

No. 10cv00669 MV/WDS

vs.

AZULSTAR, INC., a Michigan corporation,

Defendants.

**ORDER GRANTING EMERGENCY MOTION TO  
POSTPONE SETTLEMENT CONFERENCE**

This matter comes before the Court on Plaintiff's Opposed Emergency Motion to Postpone Settlement Conference (Doc. No. 69 ). Defendants filed a Response in opposition to a postponement. The Court will not regurgitate the arguments set out in the briefing other than to note that cooperation in the discovery process has broken down.

The purpose of a settlement conference is to attempt to settle an existing dispute. It is not to run up costs or be used as a tactical tool to advance a party's position in the litigation. A party is under no obligation to settle a case. Accordingly, if one party does not believe it is in a position to go forward with a settlement conference, the Court will not force it to attend, especially when it is apparent, as here, that discovery disputes on both sides have prevented the taking of necessary depositions. The Court also notes that the expense of attendance of out of state counsel and parties would be significant. The net effect of forcing a settlement conference under these circumstances would be to lessen rather than enhance the potential for a settlement in the future. The Court finds the motion is well taken.

IT IS THEREFORE ORDERED THAT Plaintiff's Opposed Emergency Motion to Postpone Settlement Conference (Doc. No. 69 ) is granted. The settlement conference scheduled

for February 28, 2012 is vacated. The parties should inform the Court when they are both ready for such a conference. Absent such contact by the parties the Court will set the conference at the end of discovery.

A handwritten signature in black ink, appearing to read 'W.D. Schneider', written over a horizontal line.

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W. DANIEL SCHNEIDER  
UNITED STATES MAGISTRATE JUDGE